

**STATE CODES AND STANDARDS COMMITTEE
MINUTES**

April 10, 2013

1. The Chair called to order the regular meeting of the State Codes and Standards Committee. The meeting was held in the third floor conference room (room 348) at 1111 Country Club Road, Middletown, Connecticut.

2. **In Attendance:**

Henry Miga, Chair
John Butkus
Christopher Cozzi
Thomas DiBlasi
Louis Free
Robert Hanbury
Donald Harwood
George Iskra
David McKinley
Michael Musco
Glenn Neilson
Marjorie Shansky
Michael Sinsigalli
Carlton Smith
Fred Wajcs, Jr.
William Zoeller

Also Present:

Joseph Cassidy, OSBI
Daniel Tierney, OSBI
Robert Ross, OSFM
Jenna Padula, Esquire, DCS Legal
Lisa Stevens, Independent Electrical Contractors of NE
Richard Bird, IEC-NE
Bruce Spiewak, AIA CT

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the March 13, 2013 meeting. All in favor. None opposed. Motion carried.

Brief introduction and welcome for Carlton Smith, newest Codes and Standards member.

4. COMMUNICATIONS

- a. **C-1-12.** Correspondence received from Adam McNiece re complaint request for revocation from Adam McNiece re Waterford Building Official's license (Frank Hoagland III). See Appeal Hearings 8.q. Send copy of correspondence to the Office of State Fire Marshal (OSFM).
- b. **A-1-13.** Correspondence from Bruce Spiewak re appeal from Bruce Spiewak re Greenwich Fire Marshal's decision re YMCA of Greenwich, 50 Putnam Avenue, Greenwich, CT. See Appeal Hearings 8.h. Appellant requested appeal is put on hold. Send copy of correspondence to OSFM.
- c. **A-8-13.** Request for appeal from Scott Mangiagli re State Building Inspector's decision re M-191-13 re Hospital for Special Care Outpatient Center, 2150 Corbin Avenue, New Britain, CT. On April 8, 2013 supporting documentation received from appellant. Hold on agenda.
- d. **A-2-13.** Correspondence from Gerald Farrell, Sr., Esquire, re appeal from Gerald Farrell, Sr., Esq., re State Fire Marshal's decision re FM-0273-12 re 373 Center Street, Wallingford, CT. See Appeal Hearings 8.i. On March 28, 2013 correspondence received from appellant requesting postponement.
- e. **A-7-13.** Correspondence from Louis Pittocco, Esquire, re appeal from Louis Pittocco, Esquire re Greenwich Fire Marshal's decision re Buildings 2, 12, 13, and 15 Armstrong Court, Greenwich, CT. Panel consists of Michael Sinsigalli, Panel Chair; Donald Harwood and Fred Wajcs, Jr. Henry Miga will be the alternate. See Appeal Hearings 8.n. On 3/20/13 supporting documentation received from appellant. Send copy of correspondence to OSFM. Hold on agenda; waiting for OSFM's report.
- f. **A-3-13 (A-Q)** Correspondence from Joseph Versteeg re appeal from Ryan Hagler re State Fire Marshal's decision re: A-3-13 (a-q) re: a) FM-0364-12; b) FM-0367-12; c) FM-0370-12; d) FM-0373-12; e) FM-0376-12; f) FM-0379-12; g) FM-0384-12; h) FM-0386-12; i) FM-0390-12; j) FM-0393-12; k) FM-0396-12; l) FM-0401-12m) FM-0405-12; n) FM-0408-12; o) FM-0411-12; p) FM-0414-12; q) FM-0418-12 re Huntington Woods, 200 Blakeslee Street, Buildings 2 thru 18, Bristol, CT. See Appeal Hearings 8.j. On 4/8/13 appellant's representative (Joseph Versteeg) requested postponement pending possible resolution. On 4/8/13 correspondence received from Ryan Hagler advising that Joseph Versteeg is the contact consultant for this appeal.

- g. **A-5-13. Correspondence from Michael Dowley, Esquire, re appeal from Michael Dowley, Esq., re Portland Building Official's decision re 102 Great Hill Pond Road, Portland, CT. See Appeal Hearings 8.I. On April 8, 2013 appellant requested postponement pending possible resolution.**

ADDENDUM – A 2/3 motion was made and seconded to add items 4.h. and 4.i. to the agenda. Motion carried.

- h. **Correspondence received from Donald DeFronzo, Acting Department of Construction Services Commissioner, regarding the appointment of Keith Flood to fill the Fire Marshal position (vacated by John Jackman) effective April 8, 2013.**
- i. **Correspondence received from Donald DeFronzo, Acting Department of Construction Services Commissioner, regarding the appointment of Carlton Smith to fill the Building Official position (vacated by Andrew Rizzo, Jr.) effective April 8, 2013.**

5. SUBCOMMITTEE REPORTS

Codes Amendment Subcommittee: (Free)

This subcommittee met on March 13 and 27, 2013. Meeting will be held today immediately following the public hearing.

The public hearing is regarding the *Amendment to the 2005 State Building Code to adopt the 2009 International Residential Code and 2011 NFPA 70 National Electrical Code*. A tentative adoption date is October, 2013.

Next meeting will be held on **April 24, 2013**.

Ethics/Procedural Regulations Subcommittee: (Shansky)

This subcommittee met on October 10, 2012 to discuss future proposals and procedures of aggrievement. The issue of aggrievement remains open for discussion. Discussion will include: 1) Procedures of aggrievement; 2) Submittal of OSBI/OSFM documents to appeal panel (i.e. Request for Modification form); and 3) The process of revocation. The meeting scheduled for February 13, 2013 was postponed.

Additional topics to be added to the agenda for discussion will be: 4) Accepting code proposals on a rolling basis regarding procedural viewpoint; 5) Responsibilities of Codes and Standards Committee members; and 6) Drafting of Final Decisions by Panel Chair vs. Legal Counsel.

The Ethics/Procedural Regulations Subcommittee meeting time was revised to **Wednesday, May 8, 2013 at 11:30 a.m.**

6. OLD BUSINESS

- a. **Fire Marshal Vacancy (previously held by John Jackman) Keith Flood was appointed to fill this position effective April 8, 2013.**
- b. **Building Official Vacancy (previously held by Andrew Rizzo, Jr.) Carlton Smith was appointed to fill this position effective April 8, 2013.**

7. NEW BUSINESS:

a. **Staff Report**

Joe Cassidy advised that the 2 vacancies were filled. Dan Tierney updated members on Andrew Rizzo's farewell reception. Andy's professionalism and code enforcement will be missed.

b. **Fire Prevention Code Advisory Committee (Harwood/Shansky)**

There was no report..

c. **Joint Fire Marshal Training Council (Harwood)/Building Code Training Council (Musco) (aka Joint BCTC/FMTC)** A discussion was held regarding OEDM exploring the development of distance learning and on-line courses.

d. **Report on Bills**

1. Proposed Bill No. 6296

Remove as this does not apply.

2. Proposed Bill No. 5749

An Act Concerning Revisions to the State Building Code. This is in the process of being withdrawn.

3. Proposed Bill No. 6079 Chapter 15 Roof Assemblies and Rooftop Structures

An Act proposing legislation to eliminate 1/2" slope requirement for school roofs. A discussion was held regarding the school funding activation clause.

4. Proposed Bill No. 6524

An Act Concerning the Membership of the Codes and Standards Committee. Reconstitutes the Codes and Standards Committee The bill proposes to add three members, one each representing the electrical, plumbing, and heating and cooling trades. A discussion was held regarding the current size of the Committee, concerns for future quorum requirements, and the balance of fire and building code seats. Joe Cassidy advised that discussions are on-going.

8. APPEAL HEARINGS

- a. **A-4-10. Appeal from Steven Edelman re Windham Building Official's decision re 202 Scotland Road, Windham, CT.** On June 21, 2010 a postponement was granted as a result of appellant's request for a stay of the proceedings. On January 24, 2013 correspondence received from appellant. **On January 24, 2013 correspondence received from appellant. On March 21, 2013 referred to legal counsel. Hold on agenda.**
- b. **A-17-12. Request for appeal from Andrew Clark re Hartford Building Official's decision re 286 Sargeant Street, Hartford, CT.** Panel consists of Henry Miga, Panel Chair; Christopher Cozzi and William Zoeller. Anthony Bruno will be the alternate. On October 25, 2012 correspondence received from appellant. **Hearing was held on January 9, 2013 and January 23, 2013. Decision will be sent out within 90 days [by April 23, 2013]. Hold on agenda.**
- c. **A-18-12. Request for appeal from Sandra and David Biller re North Haven Fire Marshal's decision re 154 State Street, North Haven, CT.** Panel consists of Michael Sinsigalli, Panel Chair; Fred Wajcs, Jr., and George Iskra. Donald Harwood will be the alternate. Hearing set for December 12, 2012 was postponed; on December 6, 2012 appellant's attorney, Timothy Lee, requested postponement. On December 10, 2012, letter sent to appellant's attorney advising him that hearing could not be set until a copy of decision letter is received. On December 11, 2012, a copy of the Office of State Fire Marshal's closing investigative report was received. Hearing was set for Wednesday, February 13, 2013 at 10:00 a.m. in room 348. On January 18, 2013 the Office of the State Fire Marshal provided a copy of North Haven Fire Marshal's inspection report. On February 13, 2013 appellant's attorney requested a second postponement. Timeliness hearing was rescheduled and held on February 27, 2013. On February 27, 2013 referred to the Office of the State Fire Marshal (OSFM) for review. On March 8, 2013 correspondence received from Robert Ross, OSFM. **Hearing was held on April 10, 2013, and continued to Wednesday, May 22, 2013 at 11:00 a.m. in room 348. Hold on agenda.**
- d. **A-19-12. Request for appeal from Douglas Bellfy re Deputy State Building Inspector's decision re 947 Hopewell Road, South Glastonbury, CT.** Panel consists of Glenn Neilson, Panel Chair; Robert Hanbury and Louis Free. Thomas DiBlasi will be the alternate. **Hearing was held on January 9, 2013. Decision will be sent out within 90 days [by April 9, 2013]. Hold on agenda.**

- e. **A-20-12. Request for appeal from John Orzel re Wallingford Building Official's decision re Valenti Chevrolet, 399 North Colony Street, Wallingford, CT.** Panel consists of Michael Musco, Panel Chair; George Iskra and Henry Miga. Andrew Rizzo, Jr. will be the alternate. **Hearing was held on December 12, 2012. Decision will be sent out within 90 days [by March 12, 2013]. Decision was sent out on March 19, 2013. Remove from agenda.**
- f. **A-21-12. Request for appeal from Walter Milardo re State Fire Marshal's decision re FM-0237-12 re Harpo's Bakery, 908 Main Street, South Glastonbury, CT.** On January 8, 2013 additional information received from appellant. Panel consists of Michael Sinsigalli, Panel Chair; Robert Hanbury and George Iskra. Donald Harwood will be the alternate. **Hearing was held on February 13, 2013. Decision will be sent out within 90 days [by May 13, 2013]. Hold on agenda.**
- g. **A-22-12. Request for appeal from Peter Jay Alter re State Fire Marshal's decision re FM-0087-12 re 2928 Main Street, Glastonbury, CT.** Panel consists of Henry Miga, Panel Chair; Glenn Neilson and Louis Free. Thomas DiBlasi will be the alternate. **Hearing was held on March 13, 2013. Decision will be sent out within 90 days [by June 13, 2013]. Hold on agenda.**
- h. **A-1-13. Request for appeal from Bruce Spiewak re Greenwich Fire Marshal's decision re YMCA of Greenwich, 50 Putnam Avenue, Greenwich, CT.** No panel was set. On January 28, 2013 referred to Office of State Fire Marshal for review. **On March 20, 2013 appellant requested appeal is put on hold pending possible resolution through modification. Hold on agenda.**
- i. **A-2-13. Request for appeal from Gerald Farrell Sr. re State Fire Marshal's decision re FM-0273-12 re Wallingford Center Associates, 373 Center Street, Wallingford, CT.** Panel consists of Michael Sinsigalli, Panel Chair; Louis Free and Fred Wajcs, Jr. Marjorie Shansky will be the alternate. On February 27, 2013, letter sent to appellant requesting clarification re whose decision is being appealed (local Fire Marshal or the State Fire Marshal). On March 6, 2013 appellant responded that he is appealing the State Fire Marshal's decision (FM-0273-12 re 373 Center Street, Wallingford). **On 3/28/13 correspondence received from appellant requesting postponement until after May. Hearing set for April 10, 2013 was postponed per appellant. Hearing was rescheduled to Wednesday, June 12, 2013 at 11:00 a.m. in room 348. Hold on agenda.**

- j. A-3-13. Request for appeal from Ryan Hagler re State Fire Marshal's decision re: a) FM-0364-12; b) FM-0367-12; c) FM-0370-12; d) FM-0373-12; e) FM-0376-12; f) FM-0379-12; g) FM-0384-12; h) FM-0386-12; i) FM-0390-12; j) FM-0393-12; k) FM-0396-12; l) FM-0401-12m) FM-0405-12; n) FM-0408-12; o) FM-0411-12; p) FM-0414-12; q) FM-0418-12 re Huntington Woods, 200 Blakeslee Street, Buildings 2 thru 18, Bristol, CT. Panel consists of Michael Sinsigalli, Panel Chair; Donald Harwood and Christopher Cozzi. Louis Free will be the alternate. Hearing set for April 10, 2013 was postponed; on April 8, 2013, appellant's representative (Joseph Versteeg) requested postponement pending possible resolution. On 4/8/13 correspondence received from Ryan Hagler advising that Joseph Versteeg is the contact consultant for this appeal. Hold on agenda.**
- k. A-4-13. Request for appeal from Stephanie McLaughlin, Esquire, re Stamford Fire Marshal's decision re 200 Strawberry Hill Avenue, Stamford, CT. No panel was set. On February 26, 2013, appellant requested 30 day extension of time pending possible resolution [after March 28, 2013]. Send status letter.**
- l. A-5-13. Request for appeal from Michael Dowley, Esquire, re Portland Building Official's decision re 102 Great Hill Pond Road, Portland, CT. Panel consists of Glenn Neilson, Panel Chair; Thomas DiBlasi and Michael Musco. Henry Miga will be the alternate. Hearing set for April 10, 2013 was not held; on April 8, 2013 appellant requested postponement pending possible resolution. Hold on agenda.**
- m. A-6-13. Request for appeal from Joseph Versteeg re Deputy State Building Inspector's decision re M-53-13B re 43 Windsor Avenue, Meriden, CT. Panel consists of Henry Miga, Panel Chair; William Zoeller and Louis Free. Fred Wajcs, Jr. will be the alternate. Hearing was set for Wednesday, April 24, 2013, at 11:30 a.m. in room 348. Hold on agenda.**
- n. A-7-13. Request for appeal from Louis Pittocco, Esquire, re Greenwich Fire Marshal's decision re Buildings 2, 12, 13, and 15 Armstrong Court, Greenwich, CT. On March 22, 2013, referred to the Office of the State Fire Marshal (OSFM). On 3/20/13 supporting documentation received from appellant. Hold pending OSFM's report.**
- o. C-1-10. Correspondence from Mark Sommaruga, Esquire, re complaint request for revocation investigation re Shelton Building Official's license (Elliot Wilson) aka Hearing Pursuant to CGS 29-262(d). Panel was set on November 10, 2010. Panel consists of Donald Harwood, Panel Chair; Louis Free and Andrew Rizzo, Jr. John Butkus will be the alternate. On February 8, 2010, letters were sent to Robert Ross (Director, Division Fire Emergency and Building Services) and Attorney Dawn Hellier (Dept. Public Safety Legal Affairs) requesting staff assistance**

to conduct an investigation. On February 24, 2010, Barry Rickert, Deputy State Fire Marshal, advised an investigator (Sgt. Christopher Guari) had been assigned to this investigation. On February 26, 2010, correspondence received from Attorney Hellier, DPS, advising staff assistance was granted to conduct an investigation. As of October 13, 2010, no additional information received. On October 13, 2010, Barry Rickert, OSFM, advised investigation is on-going.

On November 10, 2010, Rob Ross submitted the Office of State Fire Marshal's investigative report regarding the Shelton Building Official [re C-1-10] to Codes and Standards for appropriate action. Barry Rickert advised the Committee that his office is working on an addendum to this report and should provide it approximately the first or second week of December. Janet Ainsworth advised a compliance conference (per CGS 4-182(c)) should be scheduled prior to a hearing. Barry Rickert advised that Investigator John Sawyer, OSFM, will do the compliance conference and Barry will notify John Sawyer of same. As of January 18, 2011, no additional information received. On January 19, 2011 Barry Rickert, OSFM, advised that OSFM's report was complete and could be forwarded to the appeal panel. On January 26, 2011, letter sent to Barry Rickert, OSFM, requesting clarification if a compliance conference had occurred. On February 9, 2011 the Committee verbally requested Barry Rickert, OSFM, to respond in writing to their January 26, 2011 letter re compliance conference. Janet Ainsworth advised that the Office of the State Fire Marshal sent a letter to the appellant. Appellant has until March 15, 2011 to respond regarding a compliance conference. If no response is received by that date, then Codes and Standards can proceed. On March 25, 2011 correspondence forwarded from Barry Rickert from appellant. On May 11, 2011 Barry Rickert advised the compliance conference was held. On May 23, 2011 correspondence received from Barry Rickert. On February 17, 2012 certified letter sent to appellant's attorney (John Keyes) requesting status of complaint. As of April 10, 2012 no additional correspondence received. On April 18, 2012, certified letter sent to appellant's attorney requesting status and to respond in writing by May 2, 2012. On May 9, 2012, it was decided that the Office of the State Fire Marshal will hold the compliance conference. On May 15, 2012 correspondence sent to Robert Ross, State Fire Marshal, requesting the Office of the State Fire Marshal to conduct a compliance conference. On May 30, 2012 correspondence received from Robert Ross advising compliance conference was set for June 7, 2012. Compliance conference was held on June 7, 2012. As of June 13, 2012 C&S was waiting for compliance conference report from Rob Ross, State Fire Marshal. On June 21, 2012 correspondence received from Rob Ross advising formal license revocation hearing should go forward. Effective August 8, 2012 John Butkus will replace Irving Moy as alternate. Hearing date to be set and coordinated by the Department of Construction Services (DCS) and Attorney General's Office. Hearing was held on November 7, 2012 and adjourned for 30 days [to December 7, 2012] to allow submission of briefs. Briefs were to be filed by 12:00 p.m. on December 7, 2012. Hearing continuation date needs to be set, and should include Assistant Attorney General Matt Beizer and

Attorney Roberta Avery. **Hearing continuation was held on March, 13, 2013. Decision will be sent out within 90 days [by June 13, 2013]. A discussion was held regarding the precedent of drafting Findings of Fact by a Panel Chair vs. Legal Counsel.**

- p. **C-1-11. Correspondence from Steven Edelman re complaint request for revocation from Steven Edelman re Windham Building Official (Donald Schultz).** John Butkus, Louis Free, Robert Hanbury, Donald Harwood, Michael Musco, Glenn Neilson and Marjorie Shansky are recused. On September 22, 2011 correspondence received from appellant. On September 23, 2011 corrected correspondence received from appellant. On October 3, 2011 correspondence received from appellant. On October 17, 2011 referred to Legal Counsel for review. On October 17, 2011 correspondence received from appellant. On November 15, 2011 a follow-up letter was sent to appellant requesting additional information. On March 20, 2012 certified letter sent to appellant requesting clarification and to respond in writing by April 3, 2012. On April 2, 2012 correspondence received from appellant. On April 11, 2012, pending legal review by staff counsel. Procedures will be discussed at meeting of legal counsel, Attorney General's Office, Office of State Building Inspector and Office of State Fire Marshal the week of May 14, 2012. **Motion was made and seconded to refer to the Office of State Fire Marshal for investigation. All in favor. None opposed. Motion carried. On June 15, 2012 referred to the Office of State Fire Marshal for investigation. On June 27, 2012 letter sent to appellant advising case was referred to OSFM. On July 5, 2012 correspondence received from appellant (he had also sent it to Rob Ross, OSFM). As of October 10, 2012 OSFM's investigation is on-going. On January 24, 2013 correspondence received from appellant. As of March 13, 2013 OSFM's investigation is on-going. On March 21, 2013, referred to legal counsel. Hold on agenda.**
- q. **C-1-12. Complaint request for revocation from Adam McNiece re Waterford Building Official's license (Frank Hoagland III).** Marjorie Shansky, Andrew Rizzo, Jr., Robert Hanbury, George Iskra and Michael Sinsigalli are recused. **Compliance conference panel consists of John Butkus, Compliance Chair; Anthony Bruno and Fred Wajcs, Jr., Louis Free will be the Compliance Conference alternate.** Forward to Legal Counsel for review and send letter to appellant advising same. On April 18, 2012, pending legal review by staff counsel. On April 24, 2012 letter sent to appellant advising complaint was referred to staff counsel for review. As of May 8, 2012 no additional information received. Procedures will be discussed at meeting of legal counsel, Attorney General's Office, Office of State Building Inspector and Office of State Fire Marshal the week of May 14, 2012. **Motion was made and seconded to refer to the Office of State Fire Marshal for investigation. All in favor. None opposed. Motion carried. On June 15, 2012 referred to the Office of State Fire Marshal for investigation. On June 27, 2012 letter sent to appellant advising case was referred to OSFM. On August 6, 2012**

correspondence received from Rob Ross, OSFM, requesting clarification on investigation. Compliance conference set for August 22, 2012 was postponed per C&S Legal Counsel. On August 17, 2012 correspondence sent to Frank Hoagland advising him of complaint. On August 17, 2012 correspondence sent to Rob Ross, OSFM, advising his office to proceed with investigation. On August 28, 2012 Freedom of Information request received from Robert Avena, appellant's attorney. As of October 10, 2012, no report from OSFM was received. On December 5, 2012 correspondence received from appellant requesting hearing go forward (copy sent to OSFM). **On January 8, 2013 letter sent to appellant advising him of status of appeal and that panel is awaiting information from the Office of the State Fire Marshal. Daniel Tierney, Deputy State Building Inspector, met with the Waterford First Selectman regarding resolution. As of March 7, 2013 Daniel Tierney is still working with the First Selectman regarding resolution. On March 11, 2013 telephone call from appellant requesting the hearing definitely go forward and requested a hearing date to be set as soon as possible. As of March 13, 2013, OSFM's investigation is on-going. Hold on agenda.**

- r. **C-2-12. Correspondence from Geoffrey Woods re Complaint request from Geoffrey Woods re Fairfield Building Official (James Gilleran).** Panel consists of Marjorie Shansky, Panel Chair; Louis Free and Fred Wajcs, Jr. Christopher Cozzi will be the alternate. A discussion was held. This Committee has no statutory authority regarding this issue. On November 14, 2012 letter sent to appellant stating same. On November 28, 2012 letter sent to appellant. On December 5, 2012 correspondence received from appellant.

On December 12, 2012 appeal panel was set. On December 18, 2012 letter sent to appellant requesting him to complete the *Request for Appeal to Codes and Standards Committee* form and to submit whatever documentation is relevant to his appeal. **On February 7, 2013 correspondence received from appellant. On February 19, 2013 correspondence received from appellant. On March 7, 2013 correspondence received from appellant. A discussion was held regarding ex parte communication and the direct contact by an appellant to the members of an appeal panel. On March 26, 2013 referred to legal counsel for review and formal response.**

A discussion was held regarding appointing a panel for sole purpose to review communication submitted by appellant and setting a procedural precedent by doing so. Discussion regarding ex parte communication received by panel members.

A motion was made to set a panel to extend the procedural courtesy to Mr. Woods to have a hearing to make his case—strictly for a panel and not for review of the documents. Clarification was made this would be an aggrievement hearing. Motion was seconded for discussion purposes. Further discussion

ensued. Active motion and motion to second on the floor were both rescinded.

Action taken as Committee of the Whole to deny his request . Motion made to move as a Committee of the Whole to deny Mr. Woods' request to be heard by this panel on the basis of his statements that he does not appeal a specific decision nor seek a licensure decertification of a licensed official and therefore does not fall within the jurisdiction of this Committee. Motion was seconded. No discussion. All in favor. None opposed. Unanimous. Motion carried. Remove from agenda.

9. GOOD OF THE ORDER

Congratulations to Marjorie Shansky – as of June, 2013, she will have served 23 years on the Codes and Standards Committee.

10. ADJOURNMENT

There being no further business, a motion to adjourn was made, seconded and approved unanimously. The meeting was adjourned.

The next Codes and Standards Committee meeting is set for **May 8, 2013 at 1:00 P.M.** in room 348.

David McKinley, Secretary